

SHERRY RICHARDS 9/7/2022

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1 APPEARANCES	1 CAPTION
2	2 ANSWERS AND ORAL DEPOSITION OF SHERRY RICHARDS
3 ON BEHALF OF THE PLAINTIFFS (VIA VIDEOCONFERENCE):	3 (VIA VIDEOCONFERENCE), a witness produced at the
4 AMARIS MONTES, ESQUIRE	4 request of the PLAINTIFF, taken in the above-styled
5 OREN NIMNI, ESQUIRE	5 and numbered cause on the 7th day of September, 2022,
6 RIGHTS BEHIND BARS	6 before Elizabeth Coffman, Arkansas Supreme Court
7 416 FLORIDA AVENUE NORTHWEST, #26152	7 Certified Court Reporter #697, at 9:01 a.m., pursuant
8 WASHINGTON, D.C. 20001	8 to the agreement hereinafter set forth.
9 206-200-9088	9
10 Amaris@rightsbehindbars.org	10 *****
11 oren@rightsbehindbars.org	11
12	12 STIPULATIONS
13 SHUBRA OHRI, ESQUIRE	13 IT IS STIPULATED AND AGREED by and between the
14 RODERICK & SOLANGE MACARTHUR JUSTICE CENTER	14 parties through their respective counsel that the oral
15 906 OLIVE STREET, SUITE 420	15 deposition of SHERRY RICHARDS (VIA VIDEOCONFERENCE)
16 ST. LOUIS, MISSOURI 63101	16 may be taken for any and all purposes according to the
17 314-254-8540	17 Arkansas Rules of Civil Procedure.
18 shubra.ohri@macarthurjustice.org	18
19 MAUREEN HANLON, ESQUIRE	19 *****
20 ARCHCITY DEFENDERS, INC.	20
21 440 NORTH 4TH STREET, SUITE 390	21
22 ST. LOUIS, MISSOURI 63102	22
23 855-724-2489	23
24 mhanlon@archcitydefenders.com	24
25	25

1 (Pages 1 to 4)

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<p>1 2 cause for no spray. I'm not fixin' to do that. I 3 never did it. 4 BY MS. MONTES: 5 Q Is someone passively resisting when someone 6 verbally refuses to get dressed or change clothes? 7 MR. PRATT: Same objection. Subject 8 to that, ma'am, you can answer. 9 A It's passive resistance, but, okay. I mean, I 10 can only speak for me. If you don't want to put on 11 your clothes, then, you don't -- you can't come out of 12 the day room. That's pretty much where I draw the 13 line at. They under -- most guys understand that, 14 most of the females understood. The ones that didn't, 15 I had to stand there while they let the other guy out 16 (inaudible), then you stay on in there, that's how we 17 do that. Now, I never ran into that type of 18 situation, but if I did, that's how I handle it. I'm 19 not going to spray anyone because of some passive 20 resistance type stuff that's unnecessary and it's 21 excessive. 22 BY MS. MONTES: 23 Q Are there not policies that instruct all the 24 officers about definitions for passive and active 25 resistance?</p>	<p>1 remember what the policy says, ma'am. I remember what 2 I do and how I deal with it. 3 Q Is it passive resistance when someone is yelling 4 inside a secure cell? 5 MR. PRATT: Same objection. Subject 6 to that, you can answer, ma'am. 7 A Yeah. Yep. 8 BY MS. MONTES: 9 Q Sorry. I want to go on to a bit about the use of 10 chemical agents in the facility? 11 A Uh-huh. 12 MR. PRATT: Amaris, are you going 13 to -- are you at a change point? 14 MS. MONTES: Sorry, can we go off the 15 record? 16 THE VIDEOGRAPHER: Off the record at 17 11:56 a.m. 18 (After a break was taken, the 19 proceedings resumed as follows:) 20 THE VIDEOGRAPHER: On the record, 21 12:32 p.m. 22 BY MS. MONTES: 23 Q Okay, Ms. Richards, before the break, we were 24 speaking -- I wanted to speak a bit about the use of 25</p>
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<p>1 2 A Yeah. Everyone should know the definition of 3 both of those. Everyone. 4 Q So according to policy, is it passive resistance 5 when someone is banging on their cell or banging on 6 their door? 7 MR. PRATT: Same objection. Subject 8 to that, you can answer, ma'am. 9 A Banging on the cell door is the same question. 10 And the only thing you can do about that is to tell 11 the individual to stop, what the problem? Because if 12 their banging on the door, something is going on or 13 they're just being ignorant. Or they might be, like I 14 said earlier, singing a rap song, beating the beat on 15 the door. You just tell them to stop. If they don't 16 stop, then, you know, eventually they will. That's no 17 cause for spraying. That is passive resistance. 18 That's me, I can't speak for no one else. 19 BY MS. MONTES: 20 Q Does the policy instruct others about whether 21 that's passive or active resistance? 22 A Yes. 23 Q Would the policy say that that's passive 24 resistance? 25 A (Speaking to someone off camera.) I don't</p>	<p>1 2 chemical agents in the facility. Are there different 3 kinds of chemical agents that you use in the facility? 4 A No. 5 Q What kind of chemical agent do you use? 6 A OC spray. 7 Q And I'm going to use the term "chemical agent" 8 and "OC spray" and "mace" interchangeably; is that 9 okay? 10 A Uh-huh. Yes. 11 Q Are there different kinds of canisters that you 12 use for the OC spray? 13 A No. 14 Q I am going to introduce our first exhibit. This 15 is -- let's see if I can do this. Do you see this on 16 your screen, Ms. Richards? 17 A Yes. 18 Q This is Plaintiffs' Exhibit 1. 19 (The document was marked for 20 identification as Plaintiffs' Exhibit 1 and 21 is attached.) 22 This is a photograph that I pulled from the Sabre 23 website. 24 A Uh-huh. 25 Q And the description on the bottom says, "Sabre</p>

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<p>1 CERTIFICATE</p> <p>2 STATE OF ARKANSAS)</p> <p>3) ss</p> <p>4 COUNTY OF PULASKI)</p> <p>5 I, Elizabeth Coffman, Arkansas State Supreme</p> <p>6 Court Certified Court Reporter #697, do hereby certify</p> <p>7 that the facts stated by me in the caption on the</p> <p>8 foregoing proceedings are true, and that the foregoing</p> <p>9 proceedings were reported verbatim through the use of</p> <p>10 the voice writing method and thereafter transcribed by</p> <p>11 me or under my direct supervision to the best of my</p> <p>12 ability, taken at the time and place set out on the</p> <p>13 caption hereto.</p> <p>14 I further certify that in accordance with Rule</p> <p>15 30(e) of the Rules of Civil Procedure, review of the</p> <p>16 transcript was not requested.</p> <p>17 I further certify that I am not a relative</p> <p>18 or employee of any attorney or employed by the parties</p> <p>19 hereto, nor financially interested in the outcome of</p> <p>20 this action, and that I have no contract with the</p> <p>21 parties, attorneys, or persons with an interest in the</p> <p>22 action that affects or has a substantial tendency to</p> <p>23 affect impartiality, that requires me to relinquish</p> <p>24 control of an original deposition transcript or copies</p> <p>25 of the transcript before it is certified and delivered</p> <p>to the custodial attorney, or that requires me to</p> <p>provide any service not made available to all parties</p> <p>to the action.</p> <p>WITNESS MY HAND AND SEAL this day of</p> <p>_____, 2022.</p> <p>Elizabeth Coffman</p> <p>Certified Court Reporter #697</p>	<p>1 ERRATA SHEET</p> <p>2 Witness Name: SHERRY RICHARDS</p> <p>3 Case Name: DERRICK JONES, et al. v. CITY OF ST. LOUIS,</p> <p>4 et. al.</p> <p>5 Date Taken: September 7th, 2022</p> <p>6 Page# _____ Line# _____</p> <p>7 Should read: _____</p> <p>8 Reason for change: _____</p> <p>9 Page# _____ Line# _____</p> <p>10 Should read: _____</p> <p>11 Reason for change: _____</p> <p>12 Page# _____ Line# _____</p> <p>13 Should read: _____</p> <p>14 Reason for change: _____</p> <p>15 Page# _____ Line# _____</p> <p>16 Should read: _____</p> <p>17 Reason for change: _____</p> <p>18 Page# _____ Line# _____</p> <p>19 Should read: _____</p> <p>20 Reason for change: _____</p> <p>21</p> <p>22</p> <p>23</p> <p>24 WITNESS SIGNATURE:</p> <p>25</p>
<p>1 LEXITAS LITIGATION SERVICES</p> <p>2 9/15/2022</p> <p>3 Lawrence Pratt</p> <p>4 ASSISTANT CITY COUNSELOR</p> <p>5 1200 Market Street</p> <p>6 Room 314</p> <p>7 St. Louis, MO 63103</p> <p>8 Dear Mr. Pratt,</p> <p>9 Please find enclosed your copies of the deposition of</p> <p>10 SHERRY RICHARDS taken on September 7, 2022, in the</p> <p>11 above-referenced case. Also enclosed is the original</p> <p>12 signature page and errata sheets.</p> <p>13 Please read the witness read your copy of the</p> <p>14 transcript, indicate any changes and/or corrections</p> <p>15 desired on the errata sheets, and sign the signature</p> <p>16 page before a notary public.</p> <p>17 Please return the errata sheets and notarized</p> <p>18 signature page within 30 days to our office at</p> <p>19 711 North 11th Street, St. Louis, MO 63101 for filing.</p> <p>20 Sincerely,</p> <p>21 Elizabeth Coffman</p> <p>22 Enclosures</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 STATE OF _____)</p> <p>2 COUNTY OF _____)</p> <p>3 I, SHERRY RICHARDS, do hereby certify:</p> <p>4 That I have read the foregoing deposition;</p> <p>5 That I have made such changes in form and/or</p> <p>6 substance to within deposition as might be necessary</p> <p>7 to render the same true and correct;</p> <p>8 That having made such changes thereon, I</p> <p>9 hereby subscribe my name to the deposition.</p> <p>10 I declare under penalty of perjury that the</p> <p>11 foregoing is true and correct.</p> <p>12 Executed this _____ day of _____,</p> <p>13 20__, at _____.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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